

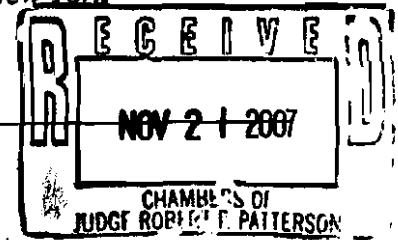
U.S. Department of Justice



United States Attorney
Southern District of New York

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The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007



November 21, 2007

By Fax

The Honorable Robert P. Patterson
United States District Judge
United States District Court
500 Pearl Street
New York, NY 10007
Fax: (212) 805-7917

MEMO ENDORSED

Re: United States v. Nue Vuksenaj, 07 Cr. 943 (RPP)

Dear Judge Patterson:

The Government writes in response to the defendant Vuksenaj's letter to the Court dated November 21, 2007. In this letter, Vuksenaj consents to the exclusion of time through a control date approximately 30 days after November 26, 2007. Accordingly, based on the holiday schedule, the Government respectfully requests that the Court exclude time under the Speedy Trial Act between today and January 2, 2008. The Government makes this request, with the consent of the defense, to permit the defendant to retain new counsel, to permit the parties to discuss a resolution of this case without trial, and to prepare for trial. The ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).


In addition, the Government's pending motion to disqualify CJA counsel provides a separate basis for the Court to exclude time. The Speedy Trial Act provides that the Court "shall . . . exclude[]" any "delay resulting from *any pretrial motion*, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion." 18 U.S.C. 3161(h)(1)(F) (emphasis added). This automatic exclusion of time for the filing of a motion does not turn on whether the Government or the defense files the motion. *Id.* Accordingly, the Government respectfully requests that the Court exclude time at least until the

*application granted
so ordered
Robert P. Patterson
11/26/07*

Court decides the Government's motion to disqualify counsel, if not through the requested control date of January 3, 2008.

Respectfully submitted,

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